

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING



NOTICE OF RESPONSIBILITY
PURSUANT TO M.G.L. CHAPTER 21E

TO: AMERICAN GUM & RESIN
40 SCHOOL ST
MIDDLETOWN MA

IR #: N92-1170

On SEPT. 11, 1992 at 6:45 (p.m.) the Department of Environmental Quality Engineering (Department) responded to a release/threat of release of oil/hazardous material at 40 SCHOOL ST in MIDDLETOWN, Massachusetts (the site).

Preliminary indications are that pursuant to section 5 of M.G. L. Chapter 21E AMERICAN GUM & RESIN are a party responsible for assessment, containment and removal actions necessitated by this incident.

Massachusetts General Laws, Chapter 21E, places liability on responsible parties to: (1) pay for all response action costs associated with the incident and (2) compensate for any damage to natural resources resulting from the incident.

You may assume responsibility for emergency response actions/costs by paying for all response costs incurred by the Department relative to this incident and immediately performing the items checked off below:

- ☒ Hire a spill cleanup contractor acceptable to the Department to take all necessary emergency response actions (i.e. assessment, containment and/or removal) as required by the Department.
- ☐ Dispose of the contaminated soil generated at the site in conformance with the Department's current policies for management of virgin petroleum-contaminated soils. Written approval must be obtained from the Department prior to removal of the soil.
- ☐ Collect soil/water samples before and after cleanup, from the impacted environmental media and submit results of a certified laboratory analysis for: _____

- ☒ Submit a report providing an accurate description of the incident, response actions taken relative thereto, and site conditions (including supporting documents) immediately or upon receipt of analytical results.

☒ Other SUBMIT PHOTOGRAPHS OF WASTE MANIFESTS TO THIS OFFICE

The above actions must be performed immediately and/or completed no later than SEPT. 30, 1992. Depending on the information/data generated by the above work, the Department may require additional remedial response actions.

If you fail to complete the response action(s) required by the Department within the required timeframe, the Department will take appropriate response actions and seek to recover all costs, charges and damages.

By accepting responsibility for conducting the required response actions now you can:

- minimize administrative costs incurred by the Department in handling this matter (In spill cases, administrative costs incurred by the Department are at least \$1,000.00);
- avoid interest charges on the total liability at the statutory rate of 12% compounded annually; and
- avoid treble damages (i.e., 3 times the total amount of response costs the Department incurs).

This liability constitutes a debt to the Commonwealth. The debt, together with interest, creates a lien on all your property in the Commonwealth. In addition to the foreclosure remedy provided by the lien, the Attorney General of the Commonwealth may recover that debt or any part of it in an action against you. You may also be liable under M.G.L. C. 21E, section 11 for up to \$100,000 in fines or penalties for each violation of C. 21E as well as for additional penalties or damages pursuant to other statutes or common law.

The Department encourages potentially responsible parties to provide or arrange for response actions to minimize the Department's response action costs for which you may be liable. The Department's objective is to ensure public health and safety and to protect the environment. Only with your help can this goal be achieved.

Please submit the requested information and direct any questions regarding this matter to KYLE MACAEE at the ALVERTON EAST Regional Office, 10 Commerce Way, WOBURN, Massachusetts, telephone # (617) 935-2160.
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Very truly yours,

John M. Ennis ENVIRONMENTAL ENGINEER
Name and Title of DEQE Official

On SEPT. 11, 1992 at approximately 8:10 P.M.,
Kyle MacAEE of the above DEQE Office served upon
☒ personally ☐ by certified mail CHERYL AUTERIO a copy

of the above "Notice of Responsibility". Person on-scene ☒ agrees ☐ does not agree to take the response actions deemed necessary by the Department.

Copy Distribution: White/Potential Responsible Party Yellow/Boston Pink/Region Golden Rod/Region



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